

Art Unit: 1652

## **DETAILED ACTION**

### **Status of the Application**

Claims 1, 4-5, 8-16, 18-21 are pending.

The Board of Patent Appeals and Interferences affirmed the obviousness rejection against claims 1, 4-5, 13-16, and 19-21 but reversed all the 35 USC 112, first and second paragraph rejections against claims 12 and 18. In accordance with MPEP § 1214.06, the Examiner can convert dependent claims 12 and 18 into independent form by examiner's amendment and cancel those claims in which the rejection was affirmed.

In a telephone conversation with Ms Shelly Cermak on 2/8/2011, an agreement was reached to amend claim 1 to include all the limitations of claim 12, and cancel claims 8-12, 18 to place the application in condition for allowance. It is noted that by including all the limitations of claim 12 into claim 1, the subject matter of claims 4-5, 13-16 and 19-21 is no longer obvious over the references cited since these claims would now dependent upon what was previously claim 12, which was deemed free of the prior art. Claim 18 is cancelled since claim 14 is now of the same scope as claim 18 by virtue of the amendment of claim 1.

### ***Examiner's Amendment***

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this Examiner's amendment was given in a telephone interview with Ms Shelly Cermak on 2/8/2011.
3. Please cancel claims 6-12, 18.
4. Please amend claim 1 as follows:

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1. An isolated coryneform bacterium having L-glutamine-producing ability, wherein said bacterium has been modified by disrupting or mutating a glutaminase gene on the chromosome so that the glutaminase activity of the bacterium is reduced to 0.1 U/mg of cellular protein or less, wherein said glutaminase gene encodes a protein comprising the amino acid sequence of SEQ ID NO: 2.

### **Reasons for Allowance**

5. The following is an Examiner's statement of reasons for allowance. The Board of Patent Appeals and Interferences reversed the 35 USC 112 first and second rejections made against claims 1, 4-5, 12-16, 18-21 and affirmed the obviousness rejection of claims 1, 4-5, 13-16, 19-21. Since claims 12 and 18 were free of the prior art, by amending claim 1 to include all the limitations of claim 12, dependent claims 4-5, 13-16, 19-21 are now be allowable over the prior art of record.

### **Conclusion**

6. Claims 1, 4-5, 13-16, 19-21 are allowed.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delia M. Ramirez, Ph.D., whose telephone number is (571) 272-0938. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert B. Mondesi, can be reached at (571) 272-0956. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

/Delia M. Ramirez/

Primary Patent Examiner  
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DR  
February 23, 2011

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